IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7701 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VISAT BRICKS WORKS & CO

Versus

UNION OF INDIA

Appearance:

MS BIRLA for MR BM MANGUKIYA for Petitioner

MR JC SHETH for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/06/2000

ORAL JUDGEMENT

1. After notice, this petition has been admitted on 22nd January, 1990. The respondents have not filed reply to the Special Civil Application. So, the averments made in this Special Civil Application stand uncontroverted

and the same are taken to be correct.

2. The facts of this case are identical to the facts of the case, being Special Civil Application No.7699 of 1989, except the difference that there, shortfall of the coal was 6.2 M.T. while here it is 7.6 M.T. This court has disposed of the aforesaid Special Civil Application and this Special Civil Application is also accordingly disposed of in the same terms as what has been ordered in the aforesaid case.

3. In the result, this Special Civil Application is disposed of in terms that the respondents to find out what was the cost of 1 M.T. on the day on which this consignment was booked by the petitioner at the starting point. Thereafter, on the basis of this cost of 1 M.T., the respondents have to find out the cost of this 7.6 M.T. On this amount of cost of this 7.6 M.T., the respondents to calculate interest payable to the petitioner @ 12% per annum from 1st of October, 1984 to the date of payment of the amount. This exercise is to be undertaken and to be completed within a period of two months from the date of receipt of writ of this order and within one month next, the amount is to be paid, so determined, to the petitioner. The respondents are further directed to pay Rs.2000/- as the costs of this petition to the petitioner. Rule and Special Civil Application stand disposed of accordingly.

(S.K. Keshote, J.)

(kamlesh)